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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,882	01/15/2004	Gordon F. Caruk	1376-0200400	5178
34456	7590	04/05/2007	EXAMINER	
LARSON NEWMAN ABEL POLANSKY & WHITE, LLP 5914 WEST COURTYARD DRIVE SUITE 200 AUSTIN, TX 78730			RAY, GOPAL C	
			ART UNIT	PAPER NUMBER
			2111	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/757,882	CARUK, GORDON F.
	<b>Examiner</b>	<b>Art Unit</b>
	Gopal C. Ray	2111

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 22 March 2007.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-13 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-13, 15 and 16 is/are allowed.
- 6) Claim(s) 17-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) <input checked="" type="checkbox"/> Other: <u>interview summary</u> .

1. The examiner acknowledges the cancellation of claims 14 and 20-30 by the amendment filed on 3/22/07. Applicant's amendment with the request for reconsideration of the finality of the rejection of the last office action is persuasive and, therefore, the finality of the action is withdrawn. Claims 1-13 and 15-19 are presented for examination. The indicated allowability of claims 17-19 is withdrawn in view of the newly discovered reference to Kinoshita in view of Pettey et al.
2. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification. Furthermore, all claims should be revised carefully to eliminate all grammatical errors and antecedent basis problems.
3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 17-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent 5,113,369 granted to Kinoshita in view of United States Patent Application Publication, US 2004/0172494 (Pettey et al.)

As per claim 17, the reference of Kinoshita teaches "a system comprising a port comprising a plurality of single bit transmitter/receiver pairs having one or more control inputs to configure the transmitter/receiver pair as a transmitter when the one or more

control inputs receives a first select value, and as a receiver when the select input receives a second select value" in Fig. 3 and col. 5, lines 31-63.

The reference of Kinoshita does not explicitly teach, "a PCI Express port". However, use of "a PCI Express port" in a data processing system such as applicant's was well known to one of ordinary skill in the data processing art at the time the invention was made as evidenced by Petty et al. The reference of Petty et al. teaches the feature in Fig. 14 and claim 12. It would have been obvious to one of ordinary skill in the data processing art at the time the invention was made to modify the system of Kinoshita to use "a PCI Express port" because both the prior art systems are analogous to improving data communication and the above feature of Petty et al. would allow the system of Kinoshita to take advantage of current technology such as high speed PCI Express architecture. It is merely a known possibility which one of ordinary skill in the data processing art at the time of the invention would select in accordance with circumstances without the exercise of inventive skill so as to allow the system to take advantage of the many benefits provided by using "a PCI Express port". The reference of Petty et al. teaches the motivation in paragraph [0096].

As per claim 18, the reference of Kinoshita teaches "wherein one of the one or more control inputs is to hold the transmitter in a high impedance state" in col. 5, lines 48-51.

As per claim 19, the reference of Kinoshita teaches "wherein the plurality comprises a number of four or greater" in Fig. 3.

5. Claims 1-13, 15 and 16 would be allowable over the prior art of record.

The following is an Examiner's Statement of Reasons for Allowance:

The claimed invention is directed to "method and device for transmitting data". The examiner has done complete search and found no prior art, alone or in

combination, teaches or fairly suggests the limitation such as, "a first set of connections to support a symmetric PCI Express data transfer in a first mode of operation and a second set of connections to support an asymmetric PCI Express data transfer in a second mode of operation" in combination with other claimed elements as claimed in independent claim 1 and similar limitations in amended independent claim 13.

Dependent claims 15 and 16 further limit the subject matter of parent claim 13 which prior art of record, alone or in combination does not teach or fairly suggests. Therefore, the invention claimed in claims 1-13, 15 and 16 is considered allowable because combinations recited in the claims are patentably distinguished from the prior art of record.

Any comments considered necessary by applicant must be submitted in response to this office action to avoid processing delays. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific disclosure.

If applicants are aware of any prior art better than those are of record, they are required to bring the prior art to the attention of the examiner. Applicants are also reminded that each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in 37 CFR 1.56. Applicants are advised to submit any information material to patentability in accordance with 37 CFR 1.97 and 1.98.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gopal C. Ray whose telephone number is (571) 272-3631. The examiner can normally be reached on Monday - Friday from 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on (571) 272-3632. The fax phone number for this Group is (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [\[mark.rinehart@uspto.gov\]](mailto:mark.rinehart@uspto.gov).

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC central telephone number is (571) 272-2100. Moreover, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lastly, paper copies of cited U.S. Patents and Patent Application Publications ceased to be mailed to applicants with office actions as of June 2004. Paper copies of Foreign Patents and Non-Patent Literature will continue to be included with office actions. These cited U.S. Patents and Patent Application Publications are available for download via Office's PAIR. As an alternate source, all U.S. Patents and Patent Application Publications are available on the USPTO web site ([www.uspto.gov](http://www.uspto.gov)), from the office of Public Records and from commercial sources. Applicants are referred to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197 for information on this policy. Requests to restart a period for response due to a missing U.S. Patent or Patent Application Publications will not be granted.

*Gopal C. Ray*  
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